

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
6

7 United States,

8 Plaintiff,

9 vs.

10 Gary Kent Johnson, Jr.,

11 Defendant.
12

3:12-cr-00100-RCJ-CBC-1

ORDER

13 In his Motion for Relief from First Step Act (ECF No. 109), the Defendant argues that he
14 is entitled to good time credit that the Bureau of Prisons is “not recognizing.” Challenges regarding
15 good time credit need to be raised in a 28 U.S.C. § 2241 habeas corpus petition. *Reno v. Koray*,
16 515 U.S. 50, 53 (1995). Here the Defendant simply filed a motion as part of his criminal case. The
17 challenges need to be sought in the district of confinement. *Harrison v. Ollison*, 519 F.3d 952, 956
18 (9th Cir. 2008). Here the Defendant is confined in Missouri. *See* Federal Bureau of Prisons, Find
19 an Inmate, <https://www.bop.gov/inmateloc/> (last visited on May 9, 2019). Lastly, the writs need to
20 be sought only after a defendant has exhausted the administrative remedies. *Tucker v. Carlson*,
21 925 F.2d 330, 332 (9th Cir. 1991). Here the Defendant has not made such a showing. For all of
22 these reasons, the Court denies the Defendant’s motion.

23 ///

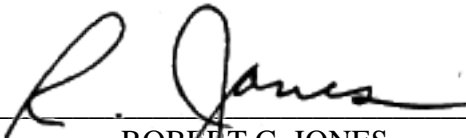
24 ///

1 **CONCLUSION**

2 IT IS HEREBY ORDERED that the Defendant's Motion for Relief from First Step Act
3 (ECF No. 109) is DENIED.

4 IT IS SO ORDERED.

5
6 Dated this 29th day of May, 2019.

7
8 
9 ROBERT C. JONES
United States District Judge